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U.S. DISTRICT COURT E.D.N.Y.
★ AUG 08 2007 ★
BROOKLYN OFFICE

Attorneys for Defendant Novo Nordisk Inc.

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PETER LUTZKER,

Plaintiff,

-against-

NOVO NORDISK PHARMACEUTICALS, INC.,

Defendant.

CV 07-3272
Civil Action No.

GLEESON, J.

REYES, M.J.

NOTICE OF REMOVAL

Defendant Novo Nordisk Inc. f/k/a Novo Nordisk Pharmaceuticals, Inc. ("Defendant"), by its attorneys, Morgan, Lewis & Bockius LLP, hereby removes this action from the Supreme Court of the State of New York, County of Kings, where it is pending, to the United States District Court for the Eastern District of New York. In support of this Notice of Removal, Defendant states as follows:

1. On June 28, 2007, Plaintiff, Peter Lutzker ("Plaintiff"), commenced an action against Defendant, entitled Peter Lutzker v. Novo Nordisk Pharmaceuticals, Inc., Index No. 07-23565, in the Supreme Court of the State of New York, County of Kings.
2. Defendant received a copy of a Summons with Notice on or about July 9, 2007 by hand-delivery in New Jersey.
3. The attached Summons with Notice constitutes all process, pleadings and orders served on Defendant to date. See Exhibit A.

Federal Jurisdiction is Proper Pursuant to 28 U.S.C. § 1332.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because complete diversity of citizenship exists between Plaintiff and Defendant and because the amount in controversy exceeds \$75,000.00, exclusive of interests and costs. See Exhibit A.

Complete Diversity

5. There is complete diversity of citizenship between the Plaintiff and Defendant.

6. The Plaintiff is, on information and belief, a resident and citizen of New York.
See Exhibit A.

7. Defendant is, and at the time this action was commenced was, a foreign corporation incorporated under the laws of the State of Delaware with its principal place of business in Princeton, New Jersey.

8. Complete diversity of citizenship exists between the Plaintiff and Defendant because they are citizens of different states.

Conclusion

9. In conclusion, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because: (1) based on the injuries and damages claimed in the Summons with Notice, the amount in controversy exceeds seventy-five thousand Dollars (\$75,000), exclusive of interests and costs; and (2) there is complete diversity of citizenship among the Plaintiff and Defendant. Removal of this action is, therefore, proper pursuant to 28 U.S.C. § 1441.

10. By this Notice of Removal, Defendant is not waiving, and expressly reserves, its right to contest personal jurisdiction, service and the sufficiency of the Summons with Notice.

11. This Notice of Removal has been filed timely pursuant to 28 U.S.C. §1446(b), given that it is being filed within thirty (30) days after receipt by Defendant of a copy of the Summons with Notice.


12. A copy of this Notice of Removal has been served upon Plaintiff by hand delivery, and a copy of the Notice of Removal is being filed with the Clerk of the Supreme Court for the State of New York, County of Kings, to effect removal pursuant to 28 U.S.C. § 1446.

WHEREFORE, Defendant respectfully requests that the above-captioned action pending against it in the Supreme Court of the State of New York, County of Kings, be removed therefrom to this Court for further proceedings.

Respectfully submitted,

Dated: August 8, 2007
New York, New York

MORGAN, LEWIS & BOCKIUS LLP

By: 
Sam S. Shaulson (SS-0460)
Jill Barbarino (JB-6385)
101 Park Avenue
New York, New York 10178
(212) 309-6000

Attorneys for Defendant

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
PETER LUTZKER,

Plaintiff,

- against -

NOVO NORDISK PHARMACEUTICALS, INC.

Defendant.
-----X

TO THE ABOVE-NAMED DEFENDANT:

Index No. 23565/07

SUMMONS WITH NOTICE

Plaintiff's Address:
15 Mathews Street
Melville, NY 11747

Basis of Venue:
N.Y. C.P.L.R. § 509

RECEIVED

JUL 09 2007

YOU ARE HEREBY SUMMONED to appear in this action and to serve a copy of your notice of appearance on the attorney for plaintiff within twenty days after service of this summons (or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment by default may be entered against you for the relief requested in the notice set forth below.

NOTICE: The nature of this action is to recover damages for: (a) gender discrimination by defendant's disparate treatment of the plaintiff; (b) hostile work environment; (d) retaliation; (e) constructive discharge, all the foregoing in violation of the New York State Human Rights Law, Executive Law § 296 *et seq.*

The relief sought is: Judgment against defendant, awarding compensation in the amount of \$2,000,000, with an exact amount to be determined at trial, for medical disabilities, emotional distress, permanent damage to plaintiff's mental/emotional well being, physical health, loss of enjoyment of life, including pain and suffering, shame and humiliation, back pay, forward pay

and other monies and benefits unlawfully denied to plaintiff, and Judgment against defendant for reasonable counsel fees, costs, disbursements and such other relief deemed proper by this Court.

Dated: New York, New York
June 28, 2007

BALLON STOLL BADER & NADLER, P.C.

By: 

Marshall B. Bellovin
Attorneys for Plaintiff
1450 Broadway, 14th Floor
New York, New York 10018
(212) 575-7900

Defendant's Address:

NOVO NORDISK PHARMACEUTICALS, INC.
100 College Road West
Princeton, New Jersey 08540

AFFIDAVIT OF SERVICE

I, Jill Barbarino, hereby certify that I caused a true and correct copy of Defendant's *Notice of Removal, Notice of Filing Removal* and supporting document to be served on this 8th day of August, 2007, by hand delivery on:

Marshall B. Bellovin
Ballon Stoll Bader & Nadler, P.C.
1450 Broadway, 14th Floor
New York, NY 10010

Attorneys for Plaintiff



Jill Barbarino